REMARKS

Claims 1-12 are pending in the subject application, with claims 1 and 9 being in independent form. Claim 13 was previously canceled, without prejudice or disclaimer. By this Amendment, claims 1 and 9 have been amended to clarify the claimed invention. Support for the amendments to claims 1 and 9 can be found in the application at, for example, page 8, line 1 through page 9, line 16.

Applicant maintains that no new matter is presented by this amendment. Accordingly, Applicant respectfully requests that this Amendment be entered.

Rejection Under 35 U.S.C. §103(a)

In Section 2 of the October 27, 2004 final Office Action, claims 1-12 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent No. 5,884,031 to Ice in view of U.S. Patent No. 6,324,565 to Holt, III.

Regarding claims 1 and 9, the Examiner stated that Ice discloses receiving one or more data entities from said network by at least one user, storing said data entity on said user's storage device for a predetermined period of time for further user, re-transmitting said received data to other users.

The Examiner acknowledged that Ice fails to teach providing a coordination center for tracking data entities distributed over said data network, wherein, whenever said coordination center of said network receives from one or more of said other users one or more requests for said received data entities, said coordination center points to the corresponding user(s) from which said requested data entities can be obtained, and causes the requested data entities to be retransmitted to the requesting other

user(s).

The Examiner stated that Holt teaches a providing a coordination center for tracking data entities distributed over said data network, wherein, whenever said coordination center of said network receives from one or more of said other users on or more requests for said received data entities, said coordination center points to the corresponding user(s) from which said requested data entities can be obtained, and causes the requested data entities to be retransmitted to the requesting other user(s).

The Examiner alleged that it would have been obvious to one of the ordinary skill in the art at the time the invention was made to incorporate Holt's teaching into Ice's method to allow the coordination center to retrieve the data entities located at corresponding user(s) and transmitted the data entities to other user, and that as a result, it would save a significant transmission time and bandwidth, particularly if the ordinary server is located closer to the intermediate server than to the content providing server.

Regarding claim 3, the Examiner stated that Ice discloses the re-transmission the information of received data to said the other users is carried out after download time.

Regarding claims 4 and 11, the Examiner stated that Ice discloses receiving said data by said user, storing said received data on said user's computer system and re-transmitting said data from the user's location to said users through said upstream channel bandwidth in response to a request or according to pre-defined operation instructions.

Regarding claims 5 and 12, the Examiner stated that Ice discloses receiving data on said user's computer system causing said received data to be re-transmitted through said upstream channel bandwidth from said user to a group of one or more other users, causing said received data to be re-transmitted trhough said upstream channel bandwidth from said first group of users to a further group of one or more other users; and repeating step (c) for all said users requesting the same said data.

Regarding claim 6, the Examiner stated that Ice discloses data is transmitted to said user from a plurality of other user.

Regarding claim 7, the Examiner stated that Ice discloses the transmission of data from a user to one or more other user(s) is carried out with delay.

Regarding claim 8, the Examiner stated that Ice discloses receiving data on said user's computer system, re-transmitting said received data through said upstream channel bandwidth to a dedicated server for storage, and retrieving said stored data from said dedicated server for other purposes.

Regarding claim 10, the Examiner stated that Ice discloses the coordination center (server A) comprises storage means and software/hardware component for storing information related to the data passed through the network and for data retrieval.

Regarding claim 2, the Examiner stated that Ice and Holt disclose users C1 and C2 received information from server A and storage it in users storage, and retransmitted the information to the other users; however, the re-transmission of received data to others users is carried out during download time or re-transmit on the fly is known in the art which data is transmitted a portion of

unfinished receiving data.

The Examiner alleged that it would have been obvious to a person having ordinary skill in the art at the time the invention is mad to retransmit data to other users one-the-fly while receiving said data from server into Ice's invention because it purportedly would enable one to reduce the delivery time to other users by waiving the waiting time of the last receiving data.

Applicant maintains that the cited art does not render obvious the pending claims. The claimed invention is patentable over the cited art for at least the following reasons.

This application describes a method for data transfer over network comprising the steps of downloading said data by computer means of the users, storing the downloaded data and retransmitting said downloaded data from the computer of each user via its upstream channel bandwidth to other users that are connected to said network. If the data was already downloaded from the server by a user, another user wishing to obtain said data may download it directly from the user, which already has the data, and not from the server. By this way, efficient data download is achieved. According to the claimed invention, a coordinator center is responsible for tracking data entities distributed over the network, receiving from one or more users various requests for said data entities, pointing to the corresponding user(s) from which said requested data entities can be obtained and causing the requested data entities to be retransmitted to the requesting other user(s).

Ice discloses a private network allowing a predetermined number of user systems to connect directly to a server system. However, Ice does not solve the problem of insufficient data download from

the server. Each user wishing to download some data according to Ice has to download it directly from the server connecting to said server by means of plurality of user systems.

Holt discloses a system for dynamically generating documents utilizing document programs and data at a content providing server to generate those documents. According to Holt, when the intermediate server requires the document, that document is generated at the intermediate server rather than requiring that it be obtained from the content providing server. If there are changes in the document programs or data, such changes are broadcasted to the intermediate server which had cached that information.

The present application also describes a method for data transfer over network comprising a coordinator center, which is not a server. Moreover, the coordinator center does not cache a dynamically generated document and also it does not transmit the document to the user, as does the intermediate server according to Holt. The coordination center, according to the claimed invention, solves the problem of inefficient data transfer in computer network having a plurality of users, which is not solved in Holt. By means of the coordination center, a user requesting the data can download it from another user, which already downloaded it from the server, and not download it directly from said server or from any other server, such as the intermediate server. The coordination center points to the corresponding user(s) from which the requested data entities can be obtained and causes said requested data entities to be retransmitted to the requesting user(s).

Moreover, according to the claimed invention, in contrast to Ice and Holt, the coordination center verifies that information is

still stored on the user's computer, and if so, the user sends this information via the upstream channel, which is usually not busy (page 8 of application). The coordination center can store not only the last destination to which the information was sent, but also the destinations that received this information in the last hour, or after pre-set period of time (pages 8-9). Therefore, as the number of receivers increases, the number of potential transmitters increases. Since a single upstream channel has a relatively narrow bandwidth, the present invention allows using a combination of several upstream channels that will result in a wide upstream channel bandwidth for reducing downloading time of the requested data entities from one user to another.

Therefore, even a combination of Ice and Holt in the manner suggested by the Examiner fails to teach or render obvious all features of the claimed invention.

Accordingly, Applicant respectfully requests that the Examiner reconsider and withdraw the rejections of the claims under 35 U.S.C. §103.

In view of the amendments to the claims and remarks hereinabove, Applicant maintains that claims 1-12 are now in condition for allowance. Accordingly, Applicant earnestly solicits the allowance of the application.

If a telephone interview would be of assistance in advancing prosecution of the subject application, Applicant's undersigned attorneys invites the Examiner to telephone them at the telephone number provided below.

If a petition for an additional extension of time is required to make this response timely, this paper should be considered to be

such a petition, and the Commissioner is authorized to charge the requisite fees to our Deposit Account No. 03-3125.

No fee, other than the $225.00 statutory extension fee for a two-month extension of time, is deemed necessary in connection with the filing of this Amendment. However, if any additional fee is required, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 03-3125.

Respectfully submitted,

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I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

March 25, 2005
Date

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